

CASE NO.: 50R4871
Serial No.: 10/038,316
May 10, 2006
Page 8

PATENT
Filed: January 2, 2002

Remarks

This amendment responds to the Notice of Omitted Item by adding missing figure 4. Also, a missing serial number has been added to the specification, and the claims have been amended to correct informalities as well as to add subject matter (in the case of independent Claims 1 and 10) that was originally disclosed in the Summary of the Invention.

Turning to the Notice of Omitted Item, the Notice appears to offer Applicant only three choices: to argue that figure 4 was originally filed, to concede that it wasn't and accept a later filing date, or to delete the description of figure 4 from the original specification. There is a fourth option, however, that Applicant believes is appropriate, namely, conceding that figure 4 was not originally filed but that the original description contained sufficient description of it to support adding in figure 4 now without losing the original filing date.

With more specificity, on page 7 it is clearly stated that the system 200 shown in figures 1-3 is incorporated into the system 250 shown in figure 4, and indeed, the figure 4 submitted herewith shows the set-top box receiving the signal, sending it to a display/HDTV, and also sending signals to a surround sound speaker system through an amplifier, precisely as shown in figures 1-3. The components unique to figure 4 include the HDD, discussed on page 7 as receiving and storing the signal and thus inherently receiving input from the STB for playback on the display/HDTV as shown in figure 4. Figure 4 also shows two peripheral devices, labelled "DVD" and "VCR" in figure 4 in accordance with the original description on page 7, lines 8-12 (the plural is used on line 11, indicating that more than one peripheral device can be incorporated as shown.) The description plainly states that the peripheral devices send signals through the amplifier on specific lines, exactly as shown in figure 4. While the connection between the VCR and STB shown in figure 4 is not explicitly mentioned in the specification, because virtually every modern VCR is connected to a STB, the skilled artisan would recognize that

1168-199amd

CASE NO.: 50R4871
Serial No.: 10/038,316
May 10, 2006
Page 9

PATENT
Filed: January 2, 2002

this last connection was possessed by Applicant at the time the present application was filed, see MPEP §2163.07(a).

Accordingly, it is believed that figure 4 submitted herewith adds no new subject matter to the application, in that, given the above explanation of the original disclosure, the skilled artisan would recognize Applicant to have possessed figure 4 at the time the present application was filed, since "information contained in any one of the specification, claims, or drawings of the application as filed may be added to any other part of the application without introducing new matter", MPEP §2163.06. Indeed, in light of the specific discussion of "figure 4" in both the brief description and the detailed description, adding it now is precisely the type of correction of an obvious error approved at MPEP §2163.07(II), in that the skilled artisan would not only recognize the existence of the error, but also the appropriate correction.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

1168-199amd